

Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 PM-05
NSC-05 SP-02 SS-15 H-01 /061 R

DRAFTED BY EB/OA/AN:JBMAGNOR:JG
APPROVED BY EB/OA:MHSTYLES
EUR/NE:DGOODMAN
CAB:ALARGAY
EB/OA/AN:RABROWN
L/EB:JBELLO
-----055133 191308Z /45
R 182344Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: EAIR, UK

SUBJECT: CIVAIR: PAN AM CHANGE OF GAUGE AT LONDON

SUMMARY: EMBASSY HAS COPIES OF EXCHANGE OF LETTERS
BETWEEN CORNING OF PAA AND BROWN OF UKDOT DATED DECEMBER 15
AND DECEMBER 20 ON ABOVE SUBJECT. BROWN'S ASSERTIONS IN
PARA 3 OF HIS LETTER AS TO WHAT "WAS MADE QUITE CLEAR" AND
WHAT US DELEGATION SAID IN WASHINGTON WITH RESPECT TO
PAA'S CHANGE OF GAUGE ARE INACCURATE AND SHOULD BE CORREC-
TED FOR THE RECORD. MOREOVER, PARA 4 OF HIS LETTER
SUGGESTS A FUNDAMENTAL DIFFERENCE OF INTERPRETATION WITH
REGARD TO WHAT IS SPELLED OUT IN THE AGREEMENT AND WHAT
PARTIES CAN DO UNILATERALLY. THE US POSITION IN THIS
CONNECTION SHOULD BE REITERATED FOR THE RECORD. (SEE PARA
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3 BELOW)

1. CONCERNING CHANGE OF GAUGE ON PAA FLIGHT 125, THE
QUESTION OF INTERVALS WAS DISCUSSED AT BRITISH REQUEST
DURING WASHINGTON TALKS IN DECEMBER. US DEL CHAIRMAN
INDICATED THAT INTERVAL IN EXCESS OF THREE HOURS WAS MADE
NECESSARY BY AIRPORT SLOTTING PROBLEM WHICH PREVENTED PAA

FROM OPERATING DAILY SERVICE AT SAME ARRIVAL AND DEPARTURE TIMES EACH DAY. HE ALSO STATED IT WOULD BE UNREASONABLE TO EXPECT AIRLINE TO OPERATE AT DIFFERENT TIMES EACH DAY

FOR REASONS BEYOND ITS CONTROL; THAT THIS WOULD BE DIFFICULT OPERATIONALLY FOR AIRLINE AND INCONVENIENT TO PUBLIC; AND THAT PAA WAS NOT ACTING OUTSIDE AGREEMENT.

2. WITH EXCEPTION OF BROWN, UK DEL APPEARED TO ACCEPT--OR AT LEAST DID NOT CHALLENGE--ARGUMENT THAT PAA CHANGE OF GAUGE INTERVAL WAS CONSISTENT WITH AGREEMENT. UK DEL CHAIRMAN, IN OBVIOUS EFFORT TO END DISCUSSION ON ISSUE, OFFERED TO CHECK WITH AIRPORT SLOTTING COMMITTEE TO SEE IF SOMETHING COULD BE WORKED OUT. BROWN ON THE OTHER HAND, PERSISTED IN KEEPING DISCUSSION ALIVE, AND FINALLY CONCEDED ONLY THAT, WHILE PAA MIGHT NOT BE ACTING OUTSIDE AGREEMENT (WHICH HE WOULD NOT QUITE ACKNOWLEDGE), IT WAS IN ANY EVENT ACTING OUTSIDE CONDITIONS OF ITS UK PERMIT WHICH STIPULATED THREE-HOUR INTERVALS. AS EMBASSY CAN SEE, BROWN REFERRED TO THE PERMIT ARGUMENT IN PARA 4 OF HIS DECEMBER 20 LETTER.

3. ACTION REQUESTED: EMBASSY IS REQUESTED WRITE TO BROWN CONCERNING HIS EXCHANGE OF LETTERS WITH CORNING. SUGGESTED TEXT FOLLOWS:

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A. I HAVE BEEN ASKED TO COMMUNICATE WITH YOU CONCERNING PAN AMERICAN WORLD AIRWAYS' CHANGES OF GAUGE AT LONDON ON FLIGHTS 125, AND TO RESPOND TO CERTAIN STATEMENTS IN YOUR LETTER OF DECEMBER 20, 1977 TO MR. ERATUS CORNING REGARDING THESE CHANGES OF GAUGE.

B. DURING DISCUSSIONS IN DECEMBER IN WASHINGTON REGARDING THE QUESTION OF PAN AMERICAN'S CHANGE OF GAUGE INTERVAL, MR. BILLER INDICATED THAT THE PROBLEM HAD ITS ORIGIN WITH THE AIRLINE'S INABILITY TO SECURE AIRPORT SLOTS WHICH WOULD ENABLE IT TO OPERATE ITS DAILY SERVICE AT THE SAME TIMES EACH DAY AND STILL REMAIN WITHIN A THREE-HOUR INTERVAL. HE SAID THAT IT WOULD BE UNDESIRABLE FROM THE POINT OF VIEW OF THE AIRLINE AND THE PUBLIC TO INSIST THAT THE AIRLINE OPERATE A DAILY SERVICE AT DIFFERENT TIMES EACH DAY BECAUSE OF UNAVAILABILITY OF SLOTS AND THAT PAN AMERICAN'S CHANGE OF GAUGE WAS CONSISTENT WITH THE AGREEMENT. THIS REMAINS THE US POSITION. MR. BILLER ALSO INDICATED--AND I THINK YOU CAN UNDERSTAND WHY--THAT PAN AMERICAN WOULD PREFER TO SHORTEN THE INTERVAL AND HAD ATTEMPTED TO DO SO. IT WAS FOR THIS REASON THAT MR. SHOVELTON'S OFFER TO LOOK INTO THE SLOTTING QUESTIONS WITH

THE SCHEDULING COMMITTEE WAS GREATLY APPRECIATED.

C. IN ANY EVENT, MR. BILLER AND OTHER MEMBERS OF THE US DELEGATION MADE IT CLEAR THAT, IN THE US VIEW, PAN AMERICAN'S CHANGE OF GAUGE INTERVAL WAS WITHIN THE AGREEMENT, SPECIFICALLY NOTE 6 (C) OF ANNEX 2, 5. THE US SIDE IS THEREFORE GREATLY CONCERNED WITH PARAGRAPH 4 OF YOUR LETTER OF DECEMBER 20 TO MR. CORNING WHICH, IN CONJUNCTION WITH PARAGRAPH 3, SUGGESTS THE UK BELIEVES IT CAN INCORPORATE ITS OWN INTERPRETATIONS OF THE AGREEMENT IN THE CONDITIONS OF AIRLINE PERMITS AND THEREBY IMPLEMENT THOSE INTERPRETATIONS UNILATERALLY. THIS CONCERN ARISES FROM THE FACT THAT ARTICLE 11 (6) IS QUITE SPECIFIC WITH RESPECT TO THE IMPOSITION OF UNILATERAL RESTRICTIONS ON LIMITED OFFICIAL USE

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THE OPERATIONS OF DESIGNATED AIRLINES. INSISTENCE ON A THREE-HOUR CHANGE OF GAUGE INTERVAL ON THE BASIS OF THE AIRLINE'S UK OPERATING PERMIT WHEN NOTE 6 (C) PERMITS A LONGER INTERVAL IS INCONSISTENT WITH ARTICLE 11 (6) PROVISIONS.

D. I WOULD APPRECIATE RECONSIDERATION BY THE DOT OF THE POSITION TAKEN IN YOUR LETTER BASED ON THE FOREGOING. IN ADDITION, WE WOULD HOPE THAT THE DOT WILL FOLLOW UP ON MR. SHOVELTON'S OFFER TO LOOK INTO THE SLOTTING QUESTION WITH THE SCHEDULING COMMITTEE.

CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
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Concepts: AIRLINES, AIR ROUTE AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Film Number: D780028-0902
Format: TEL
From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780148/aaaabojf.tel
Line Count: 149
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Litigation Codes:
Litigation History:
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Message ID: d6f53be2-c288-dd11-92da-001cc4696bcc
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Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
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Subject: CIVAIR: PAN AM CHANGE OF GAUGE AT LONDON SUMMARY: EMBASSY HAS COPIES OF EXCHANGE OF LETTERS BETWEEN CORNING OF PAA AND BROWN OF UKDOT DATED DE
TAGS: EAIR, UK, PANAM
To: LONDON
Type: TE
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